

JS-6

1 VERSO LAW GROUP LLP
 2 GREGORY S. GILCHRIST (State Bar No. 111536
 3 AMY PARIGI (State Bar No. 261948))
 4 RYAN BRICKER (State Bar No. 269100)
 5 PAYMANEH PARHAMI (State Bar No. 335604)
 6 209 Kearny Street, Third Floor
 7 San Francisco, California 94108
 8 Telephone: (415) 534-0495
 9 Facsimile: (270) 518-5974
 10 Email: greg.gilchrist@versolaw.com
 11 amy.parigi@versolaw.com
 12 ryan.bricker@versolaw.com

13 Attorneys for Plaintiff
 14 PATAGONIA, INC.

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 16 **UNITED STATES DISTRICT COURT**
 17 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
 18 **WESTERN DIVISION – LOS ANGELES**

19 PATAGONIA, INC.,

20 Plaintiff,

21 v.

22 TIMOTHY KRANZ DBA
23 OOFUPPY,

24 Defendant.

Case No. 22-cv-02827-FMO (MAA)

**FINAL JUDGMENT AND
PERMANENT INJUNCTION**

25 Plaintiff Patagonia, Inc. (“Patagonia”) has filed a Complaint alleging
 26 trademark infringement, trademark dilution, and unfair competition under federal
 27 and state law; copyright infringement under federal law; and breach of contract
 28 under state law against defendant Timothy Kranz dba Oofpuppy (“Kranz”).
 Patagonia alleges that Kranz has produced, marketed, sold, and distributed products,
 including shirts, hats, and stickers, bearing designs and logos that are similar to
 those of Patagonia’s trademarks.


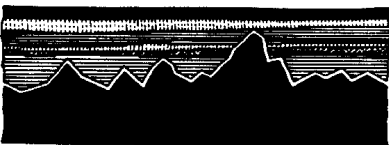
Kranz has consented to entry of judgment and a permanent injunction in
 exchange for a negotiated release, executed separately by the parties.


The Court now enters final judgment based upon the following undisputed facts. Each party has waived the right to appeal from this final judgment, and each party will bear its own fees and costs in connection with this action.

I. FACTS AND CONCLUSIONS

A. This Court has subject matter jurisdiction over this lawsuit including because it includes federal claims under the Lanham Act. For the limited purposes of entering this judgment and injunction, and any enforcement of the same, Kranz consents to this Court's exercise of personal jurisdiction over him and does not contest venue.

B. Patagonia owns numerous registrations for the PATAGONIA trademark, and for its distinctive logo depicting the Mt. Fitz Roy skyline (the "P-6 logo"), for a wide-ranging assortment of products. Among these are the following U.S. trademark registrations:

Trademark	Reg. No. / Reg. Date	Goods	Date of First Use
PATAGONIA	1189402/ February 9, 1982	Men's and Women's Clothing-Namely, Sweaters, Rugby Shirts, Walking Shorts, Trousers, Jackets, Mittens, Hoods and Rainwear.	08/1974
	1294523/ September 11, 1984	Men's, Women's and Children's Clothing-Namely, Jackets, Pants, Vests, Gloves, Pullovers, Cardigans, Socks, Sweaters, Underwear, Shirts, Shorts, Skirts and Belts	08/1974- 1981
	1547469 / July 11, 1989	Men's, Women's and Children's Clothing-Namely, Jackets, Pants, Shirts, Sweaters, Vests, Skirts, Underwear Tops and Bottoms, Socks, Gloves, Mittens, Hats, Face Masks, Balaclava, Gaiters, Suspenders, and Belts	08/1974- 1981


Trademark	Reg. No. / Reg. Date	Goods	Date of First Use
	1775623/ June 8, 1993	Luggage back packs, and all-purpose sports bags	08/1988
PATAGONIA	1811334/ December 14, 1993	Luggage, back packs, fanny packs and all- purpose sport bags, foot- wear, ski bags and ski gloves	08/1990
PATAGONIA	2260188/ July 13, 1999	Computerized on-line ordering activities in the field of clothing and acces- sories; Providing informa- tion in the field of technical clothing and accessories for use in recreational, sporting and leisure activities; providing information in the field of existing and evolving environmental issues	10/1995
PATAGONIA.COM	2392685/ October 10, 2000	On-line retail store and mail order services featur- ing technical clothing, footwear, and accessories; Computer services in the nature of on-line informa- tion related to the environ- ment and clothing	10/1995
PATAGONIA	2662619/ December 17, 2002	Retail store services featur- ing clothing, footwear, luggage and a wide variety of sporting goods and accessories	06/1986

These registrations are in full force and effect, and have become incontestable under 15 U.S.C. § 1065. Collectively, these marks, Patagonia's other registered trademarks, and its common law marks are referred to as the "PATAGONIA trademarks." Patagonia also owns a registered copyright (Registration No. VA 1-

801-788) for the P-6 logo design. A color image of the P-6 logo design follows:



C. Kranz has promoted, offered for sale, and sold products bearing a logo similar to that of the Patagonia Trademarks (the “Oofward Designs”). Kranz earned \$1,860 through sales of such products, of which \$718 constituted profit. Examples of the products include the following:

No.	Infringing Designs
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II. FINAL JUDGMENT, PERMANENT INJUNCTION, AND AWARD

It is hereby ordered and adjudged as follows:

A. Judgment is entered in favor of Patagonia against Kranz. Kranz shall be liable to Patagonia in the amount of \$1,860.00. Except as provided below, Patagonia waives any right to seek costs or fees in connection with this action that may be available from any source of law, including (without limitation) Fed. R. Civ. P. 4(d)(2) and the Lanham Act (e.g., 15 U.S.C. §§ 1116(a), 1117(a), and 1125(c)).

B. Commencing as of the “So Ordered” date of this Final Judgment and

1 Permanent Injunction, Kranz, his agents, employees, attorneys, successors, assigns,
2 affiliates, joint ventures, and any person(s) in active concert or participation with
3 him, and/or any person(s) acting for, with, by, through, or under Kranz's control,
4 who receive(s) actual notice of this Order, are hereby permanently enjoined and
5 restrained, anywhere in the world, directly or indirectly, from doing, authorizing or
6 procuring any persons to do any of the following:

7 1. Manufacturing, producing, sourcing, importing, selling, offering
8 for sale, distributing, advertising, or promoting any goods or services that bear the
9 Oofward Designs;

10 2. Manufacturing, producing, sourcing, importing, selling, offering
11 for sale, distributing, advertising, or promoting any goods or services that display
12 any words or symbols that so resemble the PATAGONIA trademarks as to be likely
13 to cause confusion, mistake, or deception, on or in connection with any product that
14 is not authorized by or for Patagonia;

15 3. Using any word, term, name, symbol, device, or combination
16 thereof that causes or is likely to cause confusion, mistake, or deception as to the
17 affiliation or association of Kranz or his products or services with Patagonia, or as to
18 the origin of Kranz's goods and services (as it relates to Patagonia), or any false
19 designation of origin, false or misleading description of representation of fact, or
20 any false or misleading advertising (again, as it relates to Patagonia);

21 4. Infringing the rights of Patagonia in and to its PATAGONIA
22 trademarks or otherwise damaging Patagonia's goodwill or business reputation;

23 5. Infringing Patagonia's copyright rights, including its rights in the
24 P-6 logo design, or otherwise infringing any of Patagonia's rights under the
25 Copyright Act and any other source of federal or state copyright law;

26 6. Otherwise competing unfairly with Patagonia in any manner; and

27 7. Assisting, aiding or abetting any person or entity engaging in or
28 performing any act prohibited by this injunction.

1 C. This is a final judgment as to all claims asserted against Kranz related
2 to producing, sourcing, importing, selling, offering for sale, distributing, advertising,
3 or promoting products bearing the Oofward Designs sold prior to the date of entry of
4 this Final Judgment and Permanent Injunction. Both parties shall bear their own
5 costs and (except as provided below) fees.

6 D. If either party commences an action to enforce this Judgment, the
7 prevailing party shall be awarded reasonable attorneys' fees and costs from the other
8 party for both the action enforcing this Judgment and the underlying litigation.

9 Dated: September 23, 2022
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11 /s/
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13 Hon. Fernando M. Olguin
14 United States District Judge
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